

**THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

RE: Application of Granite Reliable
Power, LLC for Certificate of site and
facility to construct up to 99 MW of wind
electric generation in Coos County,
New Hampshire and operate the same
.

Docket No. 2008-04

**EMERGENCY MOTION OF COUNSEL FOR THE PUBLIC
FOR ADDITIONAL DISCOVERY**

Counsel for the Public, Senior Assistant Attorney General Peter C.L. Roth (“Counsel For the Public”), by his attorneys, the Office of the Attorney General, hereby moves the Committee to order the Applicant to respond to additional discovery on financial issues. In support hereof, Counsel for the Public respectfully represents as follows:

1. Recently, the Applicant stated that it intended to submit “supplemental testimony” to meet its burden to show it possesses adequate financial capability. It stated that such testimony would prove

that the windpark possesses characteristics that would attract capital in normalized financing markets, thus allowing GRP to demonstrate that it ‘has adequate financial capability...

Applicant’s Objection at ¶ 12.

2. The Applicant bears the entire “burden of proving facts sufficient for ...the designated subcommittee .. to make the findings required by RSA 162-H:16” which includes showing financial capability. Site 202.19(b).

3. Until that statement was made on February 9, 2009, the Applicant had represented through pre-filed testimony and responses to data requests that it would prove financial capability in more concrete ways such as equity or project financing. While Counsel for the Public does not believe that any amount of evidence about how the Project might attract financing in the future would be sufficient to meet the Applicant's burden, the chair of the sub-committee has determined that there shall be a hearing on that evidence. As such, Counsel for the Public believes that it is imperative that he has a full and fair opportunity to discover facts from the Applicant with respect to its financial capability.

4. The Applicant has so far not brought its financial capability witness, Mr. Lowe, to New Hampshire for technical sessions.

5. Counsel for the Public asks for discovery pursuant to Site 202.12(a) including data requests and depositions so that he can review the new evidence that the Applicant proposes to introduce and test it for veracity and credibility.

6. Counsel for the Public has sought concurrence from the parties. The Applicant concurred "to respond to up to 20 additional data requests on financial matters based on the Lowe testimony provided you get them to us by February 27. GRP does not agree to make any changes to the schedule that is in place and does not agree to a deposition." Kathlyn Keene, Robert Keene and Jon Odell concur with this request for relief. No other parties responded.

7. Counsel for the Public does not agree to limit this motion in the manner indicated by the Applicant.

Respectfully submitted this 18th day of February, 2009,

PETER C.L. ROTH
COUNSEL TO THE PUBLIC

By his attorneys

KELLY A. AYOTTE
ATTORNEY GENERAL

/s/ Peter C.L. Roth
Peter C.L. Roth
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Certificate of Service

I, Peter C.L. Roth, do hereby certify that I caused the foregoing to be served by electronic mail on each of the parties on the Service List.

Dated: February 18, 2009

/s/ Peter C.L. Roth
Peter C.L. Roth